

Title 24 Code Changes

Residential Demolitions and Major Residential Alterations/Additions (Effective 4/20/15)



General Overview of Amendments

(Effective 4/20/15)

Amendments to Residential Demolition Delay Requirements

- Notification – added mailed notice to properties within 150 feet within 5 business days of application and door hangers 5 days before demolition
- All residential structures subject to 35-day delay in issuing permits
- Extension for demolition delay period: deleted 120 extension and replaced with 60-day extension with appeal
- Exception to notice and delay provisions deleted
- Added definitions to code
- Self Certification Regarding Asbestos and Lead-Based Paint

Amendments to Add Major Residential Alterations and Additions

- Added new category for “Major Alterations and Additions” with definitions to Code
- Includes requirement to post notice on abutting properties 35 days prior to permit issuance
- Self Certification Regarding Asbestos and Lead-Based Paint

DEMOLITION DEFINITION

(Effective 4/20/15)

DEMOLITION

Demolition means removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained. Demolition includes removal of all exterior walls. It also includes alteration, abandonment or removal of all of the existing perimeter foundation.

SUBFLOORING

Subflooring means the bottom-most structural floor laid as a base for a finished floor

SUPERSTRUCTURE

Superstructure means the part of the building or construction entirely above its foundation or basement.

MAJOR RESIDENTIAL ALTERATION OR ADDITION DEFINITION

(Effective 4/20/15)

MAJOR RESIDENTIAL ALTERATION OR ADDITION

Major alteration or addition means doing any of the following:

1. Adding any new story, including a basement or other below-grade structure. Raising a structure to meet the required headroom in a basement is considered the same as creating a basement;
2. Increasing or replacing 50% or more of the exterior wall area on any floor. If the subflooring under an exterior wall is removed, it will be treated as if the wall was removed;
3. Adding total new floor area to the existing structure that exceeds 800 square feet; or
4. Adding an area exceeding 100% of the existing foundation footprint area of the structure.

Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Notice of Demolition and Self Certification	
1. Posted on property for 30 days	1. Not Posted
2. Sent to recognized organizations	2. Mailed to all properties within 150 feet of the site to be demolished
3. Sent to Portland Development Commission	3. Mailed to recognized organizations, the Architectural Heritage Center and Restore Oregon
	4. Owner or Owner's Representative must complete a Self Certification Regarding Asbestos and Lead-Based Paint. This must be provided to BDS prior to Permit issuance.



Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Demolition Delay	
<ul style="list-style-type: none">Initial 35 day delay with exemptions for 1 to 1 replacement	<ul style="list-style-type: none">All sites have initial 35 day delay

Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Demolition Delay Extensions	
<p><u>Who May Request:</u></p> <ul style="list-style-type: none"> Recognized organization 	<p><u>Who May Request:</u></p> <ul style="list-style-type: none"> Recognized organization or any interested party
<p><u>Time of extension:</u></p> <ul style="list-style-type: none"> 120 days, for a total maximum of 155 days 	<p><u>Time of extension:</u></p> <ul style="list-style-type: none"> 60 days, for a total maximum delay of 95 days
<p><u>Extension Criteria:</u></p> <ul style="list-style-type: none"> Submitted by last day of 35 day delay Letter to BDS requesting extension Extension automatic 	<p><u>Extension Criteria:</u></p> <ul style="list-style-type: none"> Submitted by last day of 35 day delay Accompanied by appeal to Code Hearings Officer, appeal fee or fee waiver and supporting documentation showing requesting party is actively pursuing alternative to demolition

Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Appeal for Extension	
<p><u>Who May Appeal:</u></p> <ul style="list-style-type: none"> Applicant for demolition permit may appeal the 120 day demolition delay extension 	<p><u>Who May Appeal:</u></p> <ul style="list-style-type: none"> Recognized organization or any interested party may appeal to extend the initial demolition delay from 35 days to up to 60 additional days, for a total possible delay of 95 days
<p><u>Appeal to:</u></p> <ul style="list-style-type: none"> Code Hearings Officer by submitting appeal packet to BDS 	<p><u>Appeal to:</u></p> <ul style="list-style-type: none"> Code Hearings Officer by submitting appeal packet to BDS

Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Appeal for Extension	
<p><u>Burden:</u></p> <ul style="list-style-type: none"> • On permit Applicant • Must show that recognized organization has not made good faith effort to work with applicant to move the structure; find a purchaser for the site; or agree on an alternative proposal • Applicant must pay appeal fee of \$1,318 	<p><u>Burden:</u></p> <ul style="list-style-type: none"> • On party requesting appeal • Must show actively pursuing an alternative to demolition by demonstrating: <ul style="list-style-type: none"> ✓ The requesting party has contacted the property owner/representative to request a meeting via certified mail ✓ The property has significance to the neighborhood, as demonstrated by architectural significance, the age and condition of the structure or other factors ✓ Plan to save the structure ✓ Reasonable potential to consummate the plan by providing pro-forma budget and evidence of funds on hand or fund raising plan sufficient to meet the financial requirements of the budget

Residential Demolition Code Changes

Code Provisions Until 4/20/15

Amendments Effective 4/20/15

Appeal for Extension - Result

- If burden met, demolition delay extension terminated and BDS may issue demolition permit

- If burden met, an extension of up to 60 additional days from the date the initial 35 day delay expired
- If burden not met, BDS may issue permit any time after receiving notice of decision
- If no decision rendered within 60 day extension period, BDS may issue demolition permit any time after 60 days has elapsed since the end of the 35-day notice period
- The delay period cannot exceed 95 days if all other requirements have been satisfied for permit issuance

Residential Demolition Code Changes

Code Provisions Until 4/20/15	Amendments Effective 4/20/15
Exception to Notice and Delay	
<ul style="list-style-type: none">If application for demolition of single family residential structure is accompanied by an application for a building permit for a replacement single family residence, no notice or delay	None

Appeal Fee Waiver and Costs - Demolitions

Only Recognized Neighborhood Organizations Whose Boundaries Include the Site May Apply for an Appeal Fee Waiver

- The appeal fee to the Code Hearings Office is \$1,318 as of 4/20/15
- Person signing on behalf of a recognized organization must either be listed on ONI website as the Chair or President or the person signing must have documentation indicating that they have authority to sign (e.g., they are the current Chair/President or they have been delegated that authority by the organization via resolution or some other official act of the organization)

Focused Comparison of Major Alteration and Demolition

Demolition

Notice

- Mailed: Notice mailed to addresses within 150 feet of property, recognized organizations, Architectural Heritage Ctr. and Restore OR
- Posted Notice: None.
- Door Hangers: Posted by owner on surrounding properties at least 5 days before demo activity

Certification Regarding Asbestos and Lead-Based Paint

- Must be completed by the owner or owner's representative and provided to BDS prior to permit issuance

Delay Period

- 35 days from date BDS accepts permit application

Extension of Delay

- Possible 60 day extension of the delay period, if an appeal filed and demonstrate actively pursuing alternative to demolition

Definition of Demolition

- Removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained
- All of the exterior walls are removed
- All of the existing perimeter foundation will be altered, abandoned, or removed

Major Alterations

Notice

- Emailed: Notice emailed to recognized organizations by the property owner (self-certified)
- Posted Notice: None.
- Door Hangers: Posted by property owner on surrounding properties at least 35 days before building permit is issued (self-certified)

Certification Regarding Asbestos and Lead-Based Paint

- Must be completed by the owner or owner's representative and provided to BDS prior to permit issuance

Delay Period

- 35 days from the time door hangers are posted and emailed notices are sent until the permit is issued

Extension of Delay

- No possibility for extension of delay beyond 35 notice period.

Criteria:

- Any new story is added, including a basement or other below-grade structure. Raising a structure is considered the same as creating a basement
- Increasing or replacing 50% or more of the exterior wall area on any floor
- Total new floor area exceeding 800 sq. ft.
- Add area exceeding 100% of the existing foundation footprint

Certification Regarding Asbestos and Lead-Based Paint

Although BDS does not regulate the abatement, handling or disposal of asbestos or lead-based paint, BDS will be requiring a new Certification Regarding Asbestos and Lead-Based Paint for all residential demolitions and major residential alterations and additions. Permit applicants will be required to certify all of the following that apply:

The area that will be disturbed has been tested by a certified contractor and the area:

1. Does not contain asbestos;
2. Does not contain lead-based paint;
3. Does contain asbestos and will be remediated prior to demolition or work commencing on the major alteration/addition by a certified contractor;
4. Does contain lead-based paint and will be remediated prior to demolition or work commencing on the major alteration/addition by a certified contractor; or
5. The regulations regarding asbestos or lead-based paint do not apply, along with an explanation of why the regulations are inapplicable.